DISCUSSION ON THE REPORT OF THE COMMITTEE APPOINTED TO REVISE THE REPRESENTATIVE ASSEMBLY AND THE LEGISLATIVE COUNCIL REGULATIONS, INCLUDING THE STANDING ORDERS AND RULES.

In opening the discussion on the report of the committee appointed for the purpose of examining and suggesting modifications in the Representative Assembly and the Legislative Council Regulations including the standing orders and rules passed thereunder in respect of certain matters, **Mr. T. MADIAH GOWDA** spoke as follows:—

The report sought to withdraw some of the rights and privileges which the Representative Assembly was already enjoying. But this was against both the spirit and the letter of the Proclamation of His Highness the Maharaja issued on the eve of the inauguration of the Constitutional Reforms in 1923. In that Proclamation, His Highness had been pleased to say that it was his constant and earnest desire to provide for the increasing association of the people with the Government in the administration of the State. During the 13 years that had elapsed since the Proclamation, the Government had taken the co-operation of the non-officials to a larger extent than before. While the non-official public was feeling grateful to the Government for it, a surprise was flung on them by the retrograde recommendations of the committee. These recommendations had created an apprehension that the hearty co-operation between the Government and the educated non-official element in the State had almost become a thing of the past.

Examining the report in detail, the member said that the first recommendation which vitally affected the interests of the Assembly was the proposal that the system of electing 8 members from the Representative Assembly to the Legislative Council be discontinued. The main reason adduced by the committee in support of that recommendation was that the Seal Committee itself had pointed out the disadvantages of the Representative Assembly remaining a secondary electorate of the Legislative Council. But the fact remained that in spite of that opinion the Government had allowed the system to continue on the ground that it had been in existence already and that there were no reasons to justify its discontinuance. He did not believe that any strong reasons in favour of abolishing that system had since arisen. The Committee recently appointed were, however, of the opinion that by sending representatives to the Legislative Council, the Representative Assembly would lose its independent and original character and come under the leading strings of the Council. The speaker repudiated that view and said that since both the Houses had, under the Reforms, been placed on a statutory basis, it was necessary to have a direct and living link between the two; and such a link was provided by the system of electing 8 members from the Assembly to the Council. This link was now proposed to be removed, and the eight seats to be released thereby were proposed to be thrown open to the eight districts at the rate of one additional seat to each district. There was no guarantee that even if that was done, the main object of this change was going to be achieved, *viz.*, better representation on the Legislative Council for all shades of opinion or interests in the different parts of the State. Direct election there already was on a large scale, and yet this object had not been fully secured as was evidenced by the fact that there still was need for nominations, etc. This was so in the past and it would continue to be so in the future, the main reason being that education had not spread among the masses, and consequently the electorate was not familiar with the workings of the electoral machinery. If this was so, he did not believe that any special purpose was going to be served by throwing open one more seat to each district as proposed. On the contrary, the voters in the Representative Assembly, which itself consisted of the pick of public workers returned by direct election from all parts of the

State, were better fitted to select the most suitable men from among themselves to represent the views of the Assembly in the Council. And such members could lay a much better claim for representing the public than others returned direct from the common electorate. Besides, persons elected by an enlightened constituency like the Representative Assembly could be trusted to discharge their responsibilities in the Council much better than others.

While endorsing the remark that the cities were getting a preponderance of seats, he did not see how, on that account, rural interests had in any way suffered. As a matter of fact, he knew that those who were returned from the cities had a thorough as well as sympathetic understanding of the wants and grievances of the villages and they could serve the interests of the villages much better than those at present living within the villages. And as regards the total number of seats in the Assembly, he did not believe that the cities were over-represented. If that were so, the Government would have chosen persons exclusively from village parts for purposes of nomination. The fact that they had not done so was enough to indicate that the rural areas were getting adequate representation at present.

Another point made out in support of the Committee's recommendation was that an election confined to a small constituency of 270 members could not yield as satisfactory results as an election in which the general electorate participated could. The member pointed out that this argument overlooked the essential fact that members of the Representative Assembly came from all parts of the State and that those elected from such a body would be the best of all the available people. If such a healthy feature was removed, and the seats released thereby thrown open for direct election from the districts, certain minority communities like the Indian Christians and Musalmans might be ignored altogether. Under the existing method of election from the Representative Assembly to the Legislative Council this risk was effectively guarded against, firstly on account of the enlightenment associated with the Representative Assembly and secondly by the method of election based on proportional representation by the single transferable vote, which obtained there. But this was by no means the only defect in the recommendation of the Committee in respect of the distribution of the seats to be released. The proposal to distribute the seats equally among the districts meant that even a very small district like Kadur would get an additional seat, while the largest district, *viz.*, Mysore, would also get only one additional seat. At least one of the two members representing the Planting Interest (either European or Indian) would usually come from the Kadur District in addition to the member elected by the district constituency. The Committee's proposal would give a third representative to this small district, whereas larger districts like Mysore in the maidan and those like Shimoga in the malnad would have to be content with a less number of seats. In this way the recommendation of the Committee was not calculated to lead to an equitable distribution of seats.

The second recommendation of the Committee sought to restrict the membership of an individual to one House only and the recommendation was justified on the main ground that if it was accepted, a larger number of persons would get opportunities for serving in the Legislative Council. Though theoretically this sounded all right, in point of fact, there was no keen contest at elections and sometimes candidates were being returned unopposed. This was mainly due to the fact that in the present condition of affairs, very few persons were evincing real interest in public life. There was need for more workers and it was the duty of the Government to offer fresh inducements for them. Instead of doing so, if they imposed restrictions, he was afraid that Government would only be discouraging public workers and denying to the State the benefit of their zeal and experience.

In the next place, the Committee had recommended that the maximum number of seats in the Representative

Assembly for the urban areas should be raised from 50 to 55. It was not clear to him why a Committee that thought that the cities were having over-representation and which seemed to be regretting the tendency of urban representatives neglecting rural problems should have sent up such a recommendation. It looked to the speaker that there was a glaring inconsistency as between these two recommendations.

With reference to the change proposed in the procedure *re* legislation, the member was of opinion that since the Assembly was the popular House, no legislative measure should be introduced before the Legislative Council prior to its consideration in the Assembly. He would even go to the extent of proposing a statutory stipulation that no measure which had not received the support of the Assembly could be taken up in the Council. He characterised the recommendation of the committee as an attempt at belittling the importance of the Assembly as a constitutional body and regretted that the Committee should have made such an attempt.

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari) interrupting the speaker, explained that there was no intention on the part of the Committee to belittle the importance of the Assembly but that the change in procedure had been recommended merely with a view to avoid the delays that were sometimes occurring in the despatch of legislative business.

Mr. T. MADIAH GOWDA contended that such an argument might apply only to emergency legislation. Under such circumstances, the Regulation provided for the Government placing Bills before the Legislature direct and Government had acted accordingly in the past, as, for instance, in connection with the Sugar Excise Duty Bill and the Match Excise Duty Bill. But a general provision that Bills could be placed before the Legislative Council before the views of the Representative Assembly were ascertained would go counter to the spirit of the constitution and the existing rules. Besides, the Assembly was actually meeting twice a year and could meet oftener, if need be. Such being the case, there was no need for a provision like the one recommended at all.

As regards the question of privileges, the speaker felt that exemption to members from serving as jurors and assessors and exemption from being arrested or detained in prison under civil process when the two constitutional bodies were in session, were very small and harmless concessions which the Committee could well have recommended.

In regard to freedom of speech, the Committee had opined that it was not desirable to grant the privilege to a large body like the Representative Assembly. But the member was of opinion that the Assembly deserved it even more than the Legislative Council. Because, so far as the Legislative Council members were concerned, they were well educated and able to speak with care and caution. But the case was somewhat different with the Representative Assembly members, many of whom might not have received the benefits of higher education and who might sometimes expose themselves to possible risks. Freedom of speech was being enjoyed by members of the Indian Legislative Assembly and it was surprising that Mysore, which had copied British India in so many matters, was reluctant to emulate the other example in an important respect.

The member regretted that even in regard to questions and resolutions, the Committee had recommended certain restrictions, *viz.*, that the number of questions and resolutions which a member could send up be limited to 5 and 2, respectively. Seeing that the Government had all along been furnishing printed answers to all the questions put by members to know several things concerning the administration of the State, he prayed that the change proposed should not be accepted. And since several of the members might not table any question at all, he felt that there was no need to introduce the system of starring questions for purposes of supplementary questions. As regards Resolutions, no doubt a large number of them were being sent

up but very few were actually discussed. So there was no harm in allowing that privilege to continue.

Next, the speaker also opposed the proposed restriction that questions to be put by the members should not relate to matters within the competence of a local authority, on the ground that it might prevent a member from exposing acts of commission and omission for which an Amildar, for example, might be responsible.

Mr. S. P. RAJAGOPALACHARI explained that "local authority" meant local bodies like Municipalities and District Boards.

Mr. T. MADIAH GOWDA said that the provision would not be in the public interest; because, members could not get satisfactory replies from the local bodies themselves and it might be necessary to raise certain questions before the bigger constitutional bodies.

Mr. S. P. RAJAGOPALACHARI pointed out, as regards Resolutions, that if members would consult one another before sending them up to the Legislative Council, as was being done in the case of the Assembly, no difficulty would be felt. He added that the proposed change would induce the members to organize themselves into well-defined groups.

Continuing, **Mr. T. MADIAH GOWDA** expressed the opinion that the provision *re* Maintenance of Order was an undesirable innovation.

Lastly, the member put up a strong plea for increasing the number of days allotted for non-official business in both the Houses. He said he would have been glad if the Committee had made such a recommendation instead of making retrograde recommendations. In conclusion, he regretted that the Committee should have aimed at withdrawing several of the privileges that were actually being enjoyed by the members for long, and what was worse, that the non-official members of the Committee should have lent their support to such recommendations.

Mr. B. S. PUTTASWAMY in criticising the Committee's report invited attention to the noble sentiments expressed in His Highness' Proclamation at the time of sanctioning the Constitutional Reforms and said that in view of those statements, members were fondly hoping that fuller rights and privileges would be granted to them in course of time. Especially when this Committee was appointed, members entertained full hopes that the time had come for the Assembly to get enlarged powers. But the Committee falsified all hopes by making recommendations of a retrograde nature. The Committee wanted the Model State of Mysore to follow the example of British India only in certain respects, such as by restricting membership only to one of the Houses, and not in other respects such as responsibility at the centre, etc. It seemed to him that even the Government had begun to lose confidence in the non-officials as was evident from the disheartening statements they had made at the previous session of the Legislative Council in reply to the discussion on the resolution relating to the appointment of a non-official Member to the Executive Council.

Referring to the suggestion to confine membership to one House only, he pointed out that the British Indian analogy cited by the Committee would not apply to the Mysore constitution. There they had a composite bicameral legislature, the Upper House being a sort of a revising chamber. But in Mysore there was only one House with full legislative powers, *viz.*, the Legislative Council. Even though the general principles of legislative measures were placed before the Representative Assembly, the course of the measures was not actually influenced by the vote of the Assembly and even Bills rejected by the Assembly had been placed before and passed by the Legislative Council, so that the part played by the Representative Assembly was virtually ineffective in regard to legislative matters. How then, he asked, could it be argued that the Legislative Council would become a mere replica of the Representative Assembly simply because a few representatives of the latter sat on the former? That argument might perhaps have held water if the Representative

Assembly also had full legislative powers and if its views really weighed with the Legislative Council. But granting for the sake of argument that it was so, he would ask, applying the same reasoning to the case of the Treasury Benches, whether the presence in both the Houses of the same set of officers representing the Government would not reduce one House into a replica of the other. The fact was that under the peculiar constitution of Mysore, such a thing could not be helped. If at least the decisions of the Assembly were recognised as binding on the Government, there would have been no objection to confining membership to one House only. So long as that was not done, he felt that the Committee's recommendation was not at all sound.

Again, the Committee had proposed the substitution—for the existing provision making it obligatory on the Government to consult the Representative Assembly on the principles of every Bill prior to its introduction in the Council—of a new section empowering the Government to go ahead with legislation almost as a matter of course without consulting the Representative Assembly and allowing them to ascertain its opinion at any stage before the final passing. As the draft amendment was worded, the Bill might even reach the Select Committee without the opinion of the Assembly being ascertained by Government on its merits. In such a case, he asked what purpose would be served by taking the Bill before the Assembly, since at that stage it would not be permissible to incorporate any material changes which the Assembly might suggest.

Mr. S. P. RAJAGOPALACHARI explained that under the existing rules, about 12 to 13 months' delay was sometimes occurring. For example, a Bill thought of by the Government in the month of November could not, as at present, be introduced in the Legislative Council before the December session of the ensuing year; because, the very next session of the Representative Assembly would only be held in the month of June following and it could not immediately be placed before the June session of the Legislative Council, as the interval would be too short and so the Bill would have to wait till the next session of the Legislative Council which would come off only in December. Thus a lot of time was being wasted at present which could be avoided under the proposed rules.

But **Mr. B. S. PUTTASWAMY** contended that if once an elastic provision was made in the rules, the general tendency would be to ignore the usual procedure and rush through every measure, taking full advantage of the provision. And even if long delays occurred there was nothing precious to be lost. There was barely any need to provide for emergent legislation in Mysore unlike in British India in which Ordinances were passed somewhat frequently.

The member concluded with a strong protest against the Committee's proposal that no person could be a member of both the constitutional bodies. That recommendation, he said, was most arbitrary and ill-conceived. It was desirable to continue the existing link between the two bodies, and the Committee's recommendation, if accepted, would needlessly disturb the cordiality which at present existed between the two bodies and that would be the most unfortunate event that could ever happen.

Mr. C. N. NARASINGA RAO also disagreed with many of the findings in the report as, in his opinion, they were all ill-conceived. The Representative Assembly had long since ceased to be a petitioning body, though unfortunately the Committee seemed to have forgotten that. Having started on such a wrong hypothesis, the Committee's findings could not but be fallacious.

One objectionable feature about the Committee was that the Assembly was not consulted in the matter of its appointment and the Assembly was also not adequately represented on it. It was composed of 6 officials and 6 non-officials, with an official Chairman who might have officialised the whole proceedings by means of a casting vote.

Mr. S. P. RAJAGOPALACHARI assured the House that not even a single proposition had been passed by official majority and that the Chairman himself did not take part in voting, so that the question of a casting vote never arose.

Mr. C. N. NARASINGA RAO remarked that in that case the non-official members had not stood well by the Assembly and done it the justice that it deserved. He, however, commended the action of one or two non-official members who had either not subscribed to some of the recommendations or appended a note of dissent.

Proceeding, he observed that the right of electing 8 members to the Legislative Council was a very valuable privilege enjoyed by the Representative Assembly and he regretted that the Committee should have recommended its withdrawal. He did not consider, as did the Committee, that if this privilege was kept on, the discussions in the Legislative Council would become a repetition of the discussions in the Representative Assembly. Even if it was so, there was no harm. To some extent such a position could not be helped because the electors to both the bodies were practically the same and the candidates available were limited in number. And, for the same reason, the objection referred to by the Committee would continue to exist even if the Representative Assembly ceased to be a constituency for the Legislative Council and 8 more candidates were returned by direct election from the districts. So, that was no reason for doing away with the privilege of the Assembly in this respect. Secondly, the Representative Assembly was a unique feature of the Mysore constitution. No doubt, it was brought into existence in 1881 in order "to ensure that the actions of Government were brought into greater harmony with the wishes and interests of the people"; but that was by no means all. In addition, it enjoyed other privileges. One of such privileges was that of returning 8 members to the Legislature. There was no reason why this or any other privilege should be withdrawn.

As regards the recommendation for a provision empowering the Government to initiate legislative measures without previously consulting the Representative Assembly, he said that there would be no object in the Assembly discussing the general principles of such measures at the final stages, when it might be too late to embody any changes proposed by it. In respect of emergent measures, however, under the existing Standing Orders, power was vested in the Government to introduce a Bill direct in the Legislative Council without previous reference to the Assembly. So the modification proposed by the Committee was not at all necessary. If it was accepted as a general policy, it might lead to reactionary results. Moreover, the need for emergent legislations in Mysore was rarely felt. For these reasons, it was undesirable to accept the Committee's recommendation.

His Highness' Proclamation of 1923 had made it unmistakably clear that the Government would have power to amend the Regulation only to such an extent "as not to curtail in any manner the powers and privileges granted" therein. In the light of that pronouncement, the member said that the changes which were of a retrograde nature should not be accepted or even entertained either by the Government or by the Assembly. In the same Proclamation a hope had been given that the rights and privileges of the Assembly would be increased in course of time, thereby raising its status. In pursuance of that, the speaker urged that freedom of speech be granted to the Assembly as it was proposed to be done in the case of the Legislative Council members. This right was even more necessary for the Representative Assembly than for the Legislative Council for the reasons urged by previous speakers.

The Committee had suggested that by withdrawing from the Representative Assembly the privilege of returning candidates to the Legislative Council, eight seats would be released and that these might be thrown open for direct election from the districts so that rural representation might be increased to a corresponding extent.

His objection to that recommendation was, firstly, that the rural interests were already adequately represented in the Assembly so that representatives from the Assembly who sat on the Legislative Council would represent rural interests on the latter body more truly than members directly elected and secondly, that when the Representative Assembly was first given the privilege of electing members to the Legislative Council, it must have been deliberately intended as a permanent feature of the constitution, that the Representative Assembly should remain a regular constituency of the Legislative Council. The Committee's recommendation, if accepted, would be opposed to such a decision.

As regards the remark that the Representative Assembly would come under the leading strings of the Council, he said that there were no grounds to justify that remark. On the other hand, he feared that the position contemplated by the Committee might be created if their recommendation was accepted.

In the event of the Government deciding to abolish the Representative Assembly constituency, notwithstanding the protest of the House, he suggested that one additional seat be allocated to each of the two cities.

In the matter of sending up Questions and Resolutions, he was of opinion that there was no need to impose restrictions against the number to be sent up by any single member.

In conclusion, the member requested the Government not to accept the Committee's recommendations but to think of enlarging the powers of the Assembly in all directions, and converting the Legislative Council into a revising Chamber.

Mr. Malur SUBBA RAO was of opinion that the representation given to various interests on the constitutional bodies of the State under the existing system of elections was far from satisfactory. He instanced the case of the coffee planting industry which had secured representation even though the revenue derived by the Government therefrom was very much less than that from the arecanut industry which went unrepresented. Arecanut growers had peculiar difficulties of their own, and in spite of the so-called representation which various interests had on the Assembly, their grievances went unheard. The growers were in many cases not even able to pay the assessment, due to the fall in prices and other economic reasons. These grievances would not have remained unredressed if that industry also had received direct representation. No doubt the malnad districts to which this industry was confined in the main had representation on the Legislative Council. But the truth was that the representatives of those districts came only from the maidan parts of the malnad. In this view, it would be very desirable to provide for two representatives from the areca-growing area, one representing the maidan parts and the other the malnad parts, out of the 8 seats released by the proposed abolition of the Assembly as a constituency of the Legislative Council. The member did not agree that if the present system of election to the Legislative Council were in any way interfered with, the cream of intelligence now represented on the Council might go without opportunities of service. Personally he was of opinion that the level of discussions in the Assembly did not give evidence of any such outstanding intelligence. There were, no doubt, a few good speakers in the Council. But almost all of them were members of the Assembly also. Barring those few cases, there was nothing to be lost by having different kinds of representatives on the Legislative Council. In particular he suggested that at least one seat on the Legislative Council be earmarked for the arecanut *bagayet* interest from the malnad parts of the Kadur and Shimoga Districts.

Next, he was not in favour of the method adopted for selecting candidates from the Representative Assembly to the Legislative Council. If permitted to put things curtly, he would say that certain members of the Assembly formed a sort of clique or a number of cliques and manœuvred to return particular individuals to the Council.

This by no means would serve any righteous cause. By putting an end to such a system, rural constituencies might be provided with a chance of greater representation on the Council. On these grounds, he was strongly in favour of the proposed withdrawal of the privilege to the Representative Assembly of electing members to the Legislative Council, with the modification referred to above relating to separate representation for the malnad and maidan parts of Kadur and Shimoga Districts.

Mr. H. B. GUNDAPPA said that the recommendations were extremely retrograde in character as was apprehended from the time the Committee was constituted and its personnel notified. In fact even at the previous session of the Assembly some members had tabled an adjournment motion to express the apprehensions of the House and if possible to get an assurance from the Government that even if additional privileges were not granted to the House, at least those already enjoyed by it would not be withdrawn. The adjournment motion had been passed, but Government had given no assurance on that occasion that no retrograde measures would be recommended by the Committee or accepted by Government for the reason that the matter was *sub judice*. The members had their own apprehensions since then and the recommendations of the Committee now available to the public had only confirmed them. But there was still a hope that on account of the very nature of those recommendations the Government would see their way to throw them out while passing orders on the report.

Referring to the personnel of the Committee, the speaker regretted that while representation was given on it to the Legislative Council, not even a single member of the Assembly, which consisted of as many as 270 elected members from all parts of the State, was given a seat. This only showed that the Government were anxious to avoid the presence of inconvenient elements in the Committee. Seeing that the question of powers and privileges of the Assembly were involved, it was but fair that Government should have taken at least one or two members from that body to the Committee. There were a few nominated members, no doubt, supposed to represent the Representative Assembly on the Committee. But being nominated members after all, they must have sacrificed their independence for obvious reasons. On all accounts the personnel of the Committee was unsuitable and consequently their recommendations unsatisfactory.

Proceeding, the member referred to the arguments adduced by the Government members in support of the system of proportional representation adopted only a few years ago in connection with election of members from the Assembly to the Council, their main point being that that system of election would secure fair and proper representation to all the interests concerned. If this was so, nothing could be said at the present time against the continuance of the privilege of representation to the Assembly on the Council or the system of election to be adopted therefor. If under that system representation given to the Assembly on the Council had been pronounced as satisfactory a couple of years earlier, the speaker did not see how within such a short time the character of the representation had in any way suffered. The present attitude of the Committee, if ever it was going to be supported by Government, would only go to show the extent of inconsistency on the part of Government. If ever it was adopted, it would be tantamount to saying that after 57 years of existence the Assembly was unfit to exercise its privileges. That would be a most unwarranted reflection on the work of the Assembly and the member hoped that Government would not give room for any such impression in any quarter.

Mr. S. P. RAJAGOPALACHARI asked if the member had any special reasons to adduce in favour of the Assembly continuing to be a constituency of the Council in preference to direct elections being held from the districts.

Mr. GUNDAPPA replied that the Assembly already consisted of members directly returned from various parts of the State and so far as the seats

allotted for the representatives of the Assembly on the Council were concerned, the elections proceeded on the basis of proportional representation. This meant that by the process of elimination of less popular candidates the very best representatives alone could be returned to the Council. In other words, this system of election was more democratic than the usual kind of direct election.

Continuing, he observed that he was sorry that the Committee should base their recommendation in respect of the withdrawal of representation to the Assembly on the Council on the ground that the Council would practically become a replica of the Assembly if such representation were continued and that the withdrawal of the privilege would be justified for the reason that the Assembly's main purpose was representation of grievances to Government. This argument, he said, betrayed a lack of understanding on the part of the Committee of the spirit and the letter of the gracious proclamation made by His Highness the Maharaja in the year of grace 1923 vouchsafing enlarged powers to the Assembly. These powers were in fact being exercised since then by the Assembly and yet the Committee chose to characterise it as a petitioning body. The speaker did not know if it was the intention of the Government to withdraw any of those privileges. If so, it were better if they plainly told so. But so long as those privileges existed, there could be no justification for the recommendation in question.

To another recommendation of the Committee that a member may not be allowed to sit on both the Constitutional Houses, the speaker asked how far such a restriction in the case of non-officials would be justified when invariably the same official representatives of Government participated in the discussions of both the Houses. The speaker also expressed himself against the difference that was proposed to be created with regard to the procedure in respect of Government Bills as opposed to non-official Bills. He was similarly opposed to invidious distinction proposed to be made as between the members of the Assembly and those of the Legislative Council in respect of certain privileges like freedom of speech. In conclusion, he said that the present times were noted for a series of fresh waves of democracy that were being witnessed in all parts of the country. In Mysore, as in British India, representatives of the people were coming forward more and more to do public work and in accordance with the gracious intentions of His Highness the Maharaja they were also taking greater interest and responsibility with regard to local self-government. And if opportunities were created, they were prepared to take still more direct interest with regard to the administration of the State also. At such a time, the retrograde measures recommended by the Committee in question would be both unsuitable and unfortunate. He hoped that all such recommendations of the Committee would be summarily rejected by the Government and greater privileges than in the past extended to both the Houses, no sort of distinction being made as between the Assembly and the Council.

Khan Bahadur MAHOMED ABBAS KHAN prefaced his remarks by saying that he was not a nominated member but an elected member of the Assembly. He was sorry that a responsible member of the House should have said that the Committee or the Government were manœuvring to withdraw the privileges of non-officials. He was also sorry that certain members seemed to have failed to see the constitutional import attaching to the recommendation that the Representative Assembly should no longer continue as a constituency of the Legislative Council. The Assembly consisted of about 275 members returned in the main by 60 lakhs of His Highness' subjects and the number of seats proposed to be withdrawn from the Legislative Council so far as the Assembly was concerned was only 8. The privilege of returning 8 members to the Council was at present enjoyed by only 275 members of the Assembly. If the recommendation under reference was accepted, the members of the Assembly were going to have the pride and pleasure of extending the privilege

to all the subjects of His Highness the Maharaja. In these circumstances there ought to be no grumbling on the part of the Assembly members in this respect. Personally he thought that by returning 8 members to the Council, the members of the Assembly were making themselves liable to the impression that being themselves unable directly to express their views they were made to send 8 people to represent them and through them to bring their wants and grievances to notice. But, as a matter of fact, the Assembly members were not in such a plight. They were in a position to exercise all their rights and privileges as members of the Assembly itself and there was no need for them to return members to the Council as if the Assembly was a lower body and the Council a higher one.

Mr. B. S. PUTTASWAMY interjecting, enquired whether Khan Bahadur Mahomed Abbas Khan was under the impression that the Assembly was subordinate to the University Senate for the reason that the Assembly returned its representatives to the Senate also.

Mr. MAHOMED ABBAS KHAN retorted that the University Senate was an independent academic body, the Chancellor of the University being no other than His Highness the Maharaja himself.

Proceeding, he said that in certain respects the Assembly enjoyed greater privileges than even the Council. For example, members could make representations to the Government and get replies then and there. It might be argued, he said, that *per contra* the Legislative Council had some privileges which were denied to the Assembly. But he would ask how far the vote of the Council would bind the Government in any respect. The Assembly was an independent constitutional body with its own well-defined functions and rights, and there was nothing to be gained by sending representatives to the Legislative Council. If at all, the representatives would merely voice the opinions of the Assembly in the Council, perhaps speaking there in English as against Kannada in the Assembly. In all such matters, he said, members should view things in broad light. The Committee, after all, had not recommended a reduction in the number of seats in any House. All that they said was that 8 of the seats on the Council could be thrown open to all the districts instead of only to the Assembly, so that each district would return two members instead of one as at present. In other words, the privileges given to the districts would be enhanced.

The speaker also supported the recommendation that no member should be allowed to sit on both the Houses. A number of educated young men were available to take up public work and it was right that as many of them as possible should be given opportunities of serving on the Council. Under the existing system a few such men could monopolise seats in both the Houses. If the proposed restriction was introduced, a larger number of enthusiastic men could participate in public matters in one House or the other.

Mr. Nilgiri G. SANJEEVIAH interrupting asked whether it was not a fact that the Seal Committee had expressed itself in favour of the present system under which a member could sit in both the Houses.

Mr. MAHOMED ABBAS KHAN replied that it was not so. The Seal Committee, on the other hand, had unequivocally opposed the system but no definite recommendation in this respect was made for the mere reason that Government had already committed themselves to the effect that the existing system would not be interfered with.

Continuing, he said that since a sufficient number of workers were actually available, there could be no justification in allowing same members to get returned for both the Houses. It was for this reason that the Committee had recommended restriction of membership and not with a view to curtail the existing privileges of the Assembly.

As regards the Committee's recommendation relating to the difference in procedure concerning Bills, the speaker said that sometimes legislation would be delayed if Government were prevented from placing Bills before the

Legislative Council unless the general principles thereof were previously accepted by the Assembly. If, however, the Assembly thought that such a procedure would curtail its privileges, it was open to the Assembly to represent it to the Government and ask that the existing privilege ought not to be withdrawn. Similarly there was nothing to prevent the Assembly from asking for freedom of speech and such other privileges as might be extended in the case of members to the Legislative Council. He emphasized that he would be the last person to support anything done to curtail the privileges of the Assembly. In fact he would fight for the Assembly and its rights even more than for the Legislative Council. In this connection he also cited the views expressed in the past by experienced members like the late Messrs. C. Srinivasa Rao, C. Vasudeva Rao, H. Krishna Sastry and others who had definitely recommended that the Legislative Council, being a superfluous body, might be dispensed with altogether and that larger and larger powers be extended to the Assembly. But, so long as the Legislative Council, which had been in existence for so long and had done such useful work, did continue, he thought it was well to define its duties and privileges, keeping the Assembly with its own privileges quite distinct. And it would be nothing very creditable to the Assembly if it aspired to have a few representatives on the Legislative Council to voice its views and feelings. That, in his opinion, would be unnecessary specially in view of the fact that members of the Assembly, as such, had direct and independent access to Government.

Mr. Belur SRINIVASIENGAR started by saying that the recommendations of the Committee were hardly consistent with the spirit of the times. In other parts of India non-officials were getting fresh privileges on the constitutional assemblies of their provinces, whereas, in Mysore, unfortunately, the Committee under reference had sought virtually to curtail such privileges. The speaker had great regard for Khan Bahadur Mahomed Abbas Khan who had striven so hard and long in the constitutional bodies of the State. But, it was a matter for surprise that even he had fallen in with the views of the Committee. The speaker was however glad to note that Government had not made up their mind and that the recommendations under discussion only represented the views of the Committee. He hoped that when the time came for the Government to pass orders on those recommendations, they would bear in mind that, having taken the non-official public into their confidence for nearly six decades past, they were themselves responsible for the growing ambitions of the non-official public and that they would be wrong in not granting enlarged powers for which the non-officials were aspiring.

Referring to certain concrete recommendations of the Committee, the speaker said that he was not in favour of restricting membership to one House only. While a member was not disqualified from sitting in the Assembly for undergoing imprisonment for six months or more on account of a criminal offence, it would be hardly justifiable to lay down that a member of the Legislative Council would be disqualified to be a member of the Assembly as if membership in the Council was in itself a disqualification equally with imprisonment for six months or more. So long as a person had the qualifications prescribed by law, he ought not to be prevented from sitting either in the Assembly or in the Council or in both.

The speaker did not also follow the reasoning of Khan Bahadur Mahomed Abbas Khan that it would be *infra dig* for the Assembly to send representatives to the Legislative Council. The Assembly might be given representation on so many other bodies, such as the Economic Conference, the University Senate and so on, and by no stretch of imagination could it be said that on that account the Assembly was subordinate to any of those bodies. He was of opinion that the Assembly ought to continue to enjoy the privilege of returning 8 members to the Council. If it was thought necessary to give increased representation to the

districts, it would be very desirable for the Government to do away with the system of nominations and throw open a corresponding number of seats for direct election from the districts. In this connection he invited the attention of the Government to the announcements made by His Highness the Maharaja on two previous occasions when the number of seats for the Assembly or the Council were raised from 2 to 4 and from 4 to 8, and said that in view of those proclamations the Committee had rendered the Assembly a positive disservice in aiming at curtailing its privileges. He was sorry that a small Committee should have acted thus even though His Highness the Maharaja himself had favoured the grant of more and more privileges to that body, and that they should have characterised it as a petitioning body when, as a matter of fact, that institution had gradually developed and earned additional privileges. The speaker also agreed in the view that the Legislative Council might well be dispensed with, provided the Assembly's prestige and status were kept intact, and more and more of power and privilege granted to it. The Representative Assembly was the oldest institution of its kind in the whole of India and on that account, the Dewan of Mysore had been complimented in connection with the Round Table Conference. The Legislative Council, on the other hand, was an institution of recent origin. Was it the Council or the Assembly, he asked, that had secured for Mysore the name and fame which she enjoyed at present? Surely it was the Assembly, and so it was the bounden duty of all concerned to do everything in their power to enhance the reputation of that body. The member invited the attention of Government to the trend of events in other parts of India and said that near at hand, in Madras, non-official members were even acting as Governors. That was only one of the many living examples to show that claims of non-officials were everywhere being recognised, and it was a thousand pities that at such a time a committee in Mysore should have made a set of short-sighted and narrow-minded recommendations, which were altogether inconsistent with the spirit of the times. In conclusion, he begged that all such recommendations be rejected forthwith.

Mr. SYLVESTER PAIS regretted that Mr. Gundappa should have made a wrong statement that the members of the Committee who represented the Assembly were all nominated members and that such members could not adequately represent the large interests involved in the matter under discussion. He said he had expected more responsible statements from a member of the Assembly who claimed to have been in it for so long. That member, he said, represented, after all, a small taluk, whereas he (the speaker) represented an industry which was spread over a very much wider area of the State, and as such, he believed that he was at least as good a representative of public interests as Mr. Gundappa.

Mr. Gundappa had observed that he was surprised at the attitude of the Committee members who had supported the proposal to withdraw from the Assembly the privilege of electing representatives to the Council. But, as a member of the Committee himself, the speaker pointed out that he had very good reasons to support that proposal. At the time the question had come up for discussion in the Committee, he said his feeling was that he was first a citizen of the State and then a member of the Assembly. And secondly, he had also felt that he must subordinate his interest in the Assembly to the interests of the State as a whole. From 1924 to 1930 he had occasion in the Mysore Legislative Council to see how the system of the Assembly returning 8 members to that House was working in practice. He believed that in or about 1924 or 1925 he had expressed himself definitely that that system was not conducive to best results. The Committee also had come to the same opinion and proposed, as a matter of experiment, that the system be changed. There was no harm in working that experiment for some years and if necessary reviewing, at a later date, how

the experiment had worked. Mr. Belur Srinivasiengar had thrown out a suggestion that the system of nomination should be wiped out and other members returned in their places by means of direct election. He felt that it was not for any single member of the Assembly to say that the system of nominations which had so long been in vogue and which had helped a large number of special interests, should be wiped out by a stroke of the pen. It was certainly necessary to consider what the attitude of the other members of the House was on such an important question as that. Besides, there were any number of minorities in the State whose interests would have to be safeguarded. In this view he said that he was definitely against the suggestion to do away with nominations.

Mr. K. T. BHASHYAM AIYANGAR said that His Highness the Maharaja's view had always been that the administration of the State must be carried on in close consultation with the views of the public. The Assembly, ever since its inception, had done its work creditably and in recognition thereof His Highness had been pleased to bestow certain additional privileges on it. Those privileges having been exercised with a due sense of responsibility, His Highness was subsequently pleased to confer on the Assembly further privileges, such as by granting to it the power of putting questions, making criticisms and observations on the budget, and so on. More than anything else, the Assembly valued the privilege of expressing its views on all legislative measures proposed to be enacted. It was in such recognition of the good work done by the Assembly that His Highness had been pleased to empower it to return 8 members to the Council, so that the members might exert their moral influence on the Government in the other House also. Having discharged even that privilege in a satisfactory manner, the Assembly had now reached a stage when it was agitating for regular Responsible Government being established in Mysore. At such a time it would be hardly fair to withdraw any of the privileges which His Highness had already given to the Assembly and which that body was already enjoying. He did not know how the election of members from the Assembly to the Council could be interpreted to mean that the Assembly was in any manner whatsoever subordinate to the Council. It was an argument, he said, which was most surprising and a notion which was altogether mistaken. The reason why the Assembly returned members to the Council was that even in the latter body the views of the former should be expressed and heard. He was sorry to find that the Committee had expressed the opinion that the results of the system of electing members to the Council had not justified expectations. He was indeed unable to find out how the Committee had arrived at such an opinion at all. The members returned by the Assembly were certainly doing very good work in the Council and discharging their duties with a due sense of responsibility. There was nothing wrong in their actions or in the views expressed by them. It mattered very little, he said, whether the members returned by the Assembly came from the rural parts or the urban. After all, they all came from within the State. Since the Assembly consisted of members who commanded the confidence of 60 lakhs of His Highness' subjects, the only significance that could be attached to the result of election from the Assembly to the Council was that the members so returned commanded public confidence in full measure. He was not inclined to attach much importance to the fact that by withdrawing from the Assembly the privilege of returning members to the Council, the districts would get the privilege of returning 16 instead of only 8 members. The question that really mattered was why this privilege should be withdrawn at all from the Assembly. It looked to him as though much was made against the system of indirect election. He asked whether indirect elections were not being held in any other civilised countries. Again, the views of the Assembly would be well-considered ones, and so, due weight

ought to be given to them by the Legislative Council also. If the privilege of returning members was taken away from the Assembly, the Legislative Council would be denied the opportunity of knowing the Assembly's views on any given questions. In other words, there would be the undesirable possibility of each constitutional body thinking and working in its own way without any sort of co-ordination whatever as between themselves. The Committee had not adduced definite arguments justifying the withdrawal of this power. They simply said that the system had not led to satisfactory results. He was inclined to ask whether there were any strong objections against the continuance of the existing system. It was alleged that the present system did not favour minorities and special interests. But facts proved otherwise. For example, the last elections from the Assembly to the Council showed that minorities had their due chances. He was certain that direct elections in respect of seats to be released by the proposed recommendation would lead to very unsatisfactory results. For these reasons, he was strongly opposed to the recommendation in question.

He was similarly opposed to the restriction proposed to be placed in the way of any member sitting in both the Houses. It was argued for the recommendation that a member if returned to both the Houses could not find it possible to attend both the Houses in case the sessions thereof were held simultaneously. Speaking from a practical point of view, he would ask whether there was any chance of both the Council and the Assembly being in session at any one time. And granting that there was such an occasion, he would ask the Government what arrangements they would make to enable their official representatives to attend both the Houses simultaneously. Whatever difficulty there was in the way of a non-official member serving in both the Houses, also existed in the case of official members too. On the other hand, there were many advantages in a few members of the Assembly being also on the Council. They could watch the discussions, voice the opinions of the Assembly and also the views of the public more boldly and successfully there than even in the Assembly. As was rightly pointed out by Mr. Dasappa in the note appended to the Committee's report, there ought to be no restriction such as was proposed, for the reason that those members who happened to be common to both the Houses would act as a *liaison* between the two Houses. Under the existing practice of electing representatives from the Assembly to the Council, each member of the Assembly would try his best to win the confidence of the House as a whole and show his enthusiasm in a large measure so as to deserve election to the Council. But, if that practice was given up, all the incentive which members had individually would altogether disappear.

Khan Bahadur Mahomed Abbas Khan had said in support of the recommendation under reference that 8 more seats would be thrown open for direct election on behalf of the 60 lakhs of people. But the speaker for one did not know how far it mattered whether 8 or 16 members represented all those 60 lakhs on the Council. He ventured to say that the reason adduced was no better than a mere imagination.

Another reason adduced in favour of the recommendation seemed to be that members might merely repeat in the Council the speeches made by themselves in the Assembly, in which case the proceedings of the Legislative Council would be reduced as it were to a mere gramaphone record. If things were really so bad as that, he asked what the harm was in the proceedings being a gramaphone record. Even if common membership were dispensed with, such a state of affairs would exist, *i.e.*, even the members returned direct to the Council might repeat in that House some of the speeches made by members of the Assembly. Would not the proceedings of the Council be a gramaphone record, then? The fact was that the members of the Assembly would have armed themselves previously with the views of the people and would discharge their duties better than others if they

could sit in the Council also. The present system of returning members from the Assembly to the Council was working as a sort of a school for the training of politicians and there would be no justification for depriving the members of that advantage.

The speaker was in favour of granting the other privileges, *viz.*, freedom of speech, exemption from serving as jurors, exemption from being arrested or detained, etc., to the Assembly members also. As regards exemption from serving as jurors and assessors and exemption from arrest, etc., the Committee had opined that it was not necessary even in the case of Legislative Council members in view of the fact that the sessions were few and short. But, in the opinion of the speaker that was no strong reason why the privilege should be denied to the members. After all, those were matters of prestige and no one need hesitate to grant them to the members of the two Houses. Simply because a member of the House wanted exemption from arrest, it did not mean that he was actually going to be arrested if exemption was not granted. Title-holders for example were exempt from licence fee. But that truly did not mean that they were too poor to pay for the licence. In all such matters it was desirable that Government bore in mind the fact that the more they honoured their legislators the more they honoured themselves. If the Assembly was bereft of all power and the members thereof went without any privileges, it would be a poor compliment even to the Dewan as President of such a body. As regards freedom of speech in particular, the member said that it was necessary more in the case of the Assembly, the members of which were not so well educated and trained in debate than were members of the Legislative Council where, in addition to the educational and other equipment of the members, there was the safety of the presence of a number of official members ever on the alert to pull up any particular member in the event of a lapse. He also said that it was desirable to give increased privileges to the Assembly for another reason, namely, that outside countries and administrations should retain their high opinion about the Assembly.

There were also some other minor points about which the Committee seemed to have very conservative notions. For example, they did not consider it necessary to specifically provide for short-notice questions. Personally he liked such a provision to be made. In the next place, it was a pity that the Committee had recommended a reduction in the number of questions that a member was allowed to put. He was not in favour of such restrictions. It did not matter very much if all the questions given notice of by a member were not actually taken up in the Council. The very fact that any number of questions could be put would act as a deterrent against official corruption or negligence. The same remarks applied to resolutions also. In this view he wanted that the proposed restriction should not be accepted. In conclusion he requested the Government not to accept the retrograde recommendations of the Committee. Almost every one of those recommendations was unsatisfactory to the Assembly, and he would request the Government not only to drop the recommendations of the Committee in question but to appoint another Committee with a suitable personnel to go into the question of enhancing the prestige and extending the privileges of the Assembly. Such a thing, if done, he said, would redound to the credit of the Government and the glory of the Assembly.

At this stage, the House adjourned for lunch and reassembled at 3-30 p.m.

Mr. L. VEMA REDDY said that the general opinion of the majority of the members of the House was that the recommendations of the Committee were on the whole unsatisfactory. He also did not think that there was any harm in the present system of the Representative Assembly returning 8 members to the Legislative Council. It might be argued that members returned from the Representative Assembly to the Legislative Council would repeat the

same views and arguments in that House also. That would in fact be necessary in order to press the views of the Representative Assembly before the Legislative Council. The main business of the Legislative Council being legislation, the representatives of the raiyats should have some voice on that body if their interests were to be adequately safeguarded, and as the Representative Assembly contained such representatives it ought to have the privilege of electing representatives to the Legislative Council. From this point of view, the present arrangement was a very desirable one. This practice had been in vogue for many years and had not resulted in any harm to anybody.

The Committee had recommended that the eight seats released from the Representative Assembly be distributed among the eight districts. As elections in the districts would be by direct votes, only majority communities would get representation and the minority communities would go unrepresented. Under the existing system, on the other hand, representatives of minority communities also were being returned from the Representative Assembly—thanks to the system of proportional representation by single transferable vote that was being adopted for the purpose. He did not agree with the Committee that in these elections representatives from the cities only were getting most of the seats. For these reasons, he was in favour of the present system being continued.

The Committee had also recommended that a member of one House should not be a member of the other House and the reason given for it was that if meetings of both the Houses were held simultaneously, it would not be possible for the member to attend both the meetings. This was not a sufficient reason for curtailing the privileges of the members. Besides, there was no likelihood of both the Houses sitting simultaneously. The Representative Assembly was a very important body and members thereof could bring all the grievances and representations of the people to the notice of the Government, and as such, its privileges ought not to be curtailed. On the other hand, more privileges ought to be given to it, because with the march of time, the members were becoming more experienced in regard to the working of the constitutional bodies and also because more and more of educated people were standing for elections and taking part in public life.

Referring to the recommendations of the Committee *re* freedom of speech,

Mr. VEMA REDDY said that as the masses were yet illiterate, they could not be expected to select from among themselves representatives who would always be careful and guarded with regard to the use of words while discussing matters in the Assembly and it would not be quite proper to punish them, if in their enthusiasm to plead the cause of the public, they employed words to which objection might be taken under strict interpretation of the law. The mere fear that they might be punished might keep them back from public work. It was therefore very desirable that the members of the House should enjoy freedom of speech.

Mr. M. A. GOPALASWAMI IYENGAR said that a continuance of the present arrangement would be opposed to modern notions of representative institutions. Mr. Belur Srinivasiengar and other speakers who had adversely criticised the recommendations of the Committee, he said, did not appear to have kept themselves in touch with what was going on even in the surrounding parts of British India. In British India, the consensus of opinion in connection with the Federal Legislature was that there should be direct election. In this view, he said that members of the Representative Assembly would do well to accept the recommendation of the Committee in respect of elections to the Legislative Council also.

Secondly, it would be *infra dig* for the Assembly to serve as a constituency for the Legislative Council. The Assembly, he said, must be an independent body with unfettered scope and powers to discuss its own questions in its own way.

With regard to the question of

throwing open the seats released from the Assembly and the proposal to allot an additional seat for each district, he said that the result of the proposal would be the allotment of two additional seats for each district. As a matter of principle, the member was not in favour of multi-member constituencies. For purposes of election, he suggested that constituencies should be different from the present revenue districts. In this view, he was in favour of each district being bifurcated for purposes of elections, each division being treated as a single-member constituency.

With regard to the question of restricting membership to one House only, it had been stated by some of the previous speakers that if members of the Representative Assembly were returned to the Legislative Council, they would go on merely repeating the views of the Representative Assembly in that House. But his personal experience was that that was not the case always. There had been instances wherein the same members had advanced different arguments in different Houses. Besides, the members returned from the Representative Assembly had no definite mandate from the Representative Assembly, and so, there was nothing to bind such members merely to urge the views of the Assembly. If therefore the present system of the Representative Assembly returning eight members to the Legislative Council was given up, no question of curtailing the powers of the Representative Assembly would arise. At the same time, there would be chances for eight more people to come from the general electorate. For these reasons, he supported the recommendation made by the Committee that members of one House should not be members of the other House also.

But, referring to the procedure regarding legislation, he said that the reasons advanced by the Committee in favour of legislative business being initiated in the Legislative Council without the Representative Assembly being previously consulted, were not very sound. The Committee had stated that the present procedure required to be modified with a view to avoiding delays in the despatch of business. If this recommendation was accepted, the constitutional status of the Representative Assembly would undoubtedly suffer. Even the Seal Committee had observed that the Representative Assembly was slowly becoming a body fit enough to exercise the powers of initiative and referendum. But the recommendation of the Committee, if accepted, would reduce its status and lower its prestige.

Mr. S. P. RAJAGOPALACHARI said that the idea of the Government was to place all measures before the Assembly, if not at the earliest stage, at least before they were referred to Select Committees.

Mr. M. A. GOPALASWAMI IYENGAR said that the statement in the report that the measure would be placed before the Representative Assembly "after its introduction in the Legislative Council and before its final passing" did not convey that meaning.

Mr. RAJAGOPALACHARI said that so long as the intentions of Government were known, there need be no apprehensions on account of the wording of the Committee's recommendations.

Mr. GOPALASWAMI IYENGAR requested that the idea of Government as stated above might be made clear in their orders on the report. But even then he felt that so long as the Assembly was recognised as a body with powers of initiative in respect of legislation, no legislation could be proceeded with by the Legislative Council without the views of the Representative Assembly being obtained thereon in the first instance. If the business was so proceeded with, the Representative Assembly would be practically ignored. Besides, once the Legislative Council was committed to a certain course of action, there was no chance of a departure even if the Representative Assembly expressed itself against it at a subsequent stage. Possibly the Council might accept change, but very likely, it might not.

There was still another doubt. It was stated in the report that the opinion of the Assembly would be ascertained before any Bill reached its final stage

in the Council. But there was a fear that Government might ascertain the views of the Representative Assembly but not communicate the same to the Legislative Council. Such a position, he said, should never be allowed to arise. It must specifically be stated that the views of the Assembly must be ascertained and duly communicated to the Council.

The Dewan lost no opportunity of averring that there was a Responsive Government in the State, though not a Responsible Government. If that was really so, he said that the Government should re-adjust their policies and programmes according to the views expressed by the representatives of the people. But the recommendations of the Committee, if adopted, would deprive the Assembly of this privilege of expressing its views.

Referring to the privileges of members, the speaker said that all the three privileges referred to in the report should be given to the members of both the Representative Assembly and the Legislative Council. That would give some status to the members themselves and also enable them to express their views boldly. He did not think that the privileges, if given to Representative Assembly members, would be abused by them. Even if they did, the President and the Vice-Presidents could promptly call them to order. For these reasons, he urged that the members of the Representative Assembly also might be given those privileges.

Referring to the Committee's proposal relating to restrictions in the matter of sending up representations, he said that there were restrictions enough already and that there was no need for further restrictions.

Mr. P. SUBBARAMA CHETTY regretted that the State had not progressed in political matters, particularly in matters relating to the rights and privileges of its subjects, to the same extent as it had done in other matters. It was a regrettable feature that when in the neighbouring British Indian Provinces non-officials were becoming Ministers, Executive Councillors and Governors, this State should be thinking of depriving the Representative Assembly of the privileges which it was already enjoying. One of the recommendations of the Committee was that the privilege of the Representative Assembly returning 8 members to the Legislative Council should be done away with. The reason assigned for this change was that representatives from the cities were monopolising the seats and there was over-representation of urban interests to the prejudice of rural interests. But what, he asked, would be the effect of the Committee's suggestion that these eight seats should be distributed among the districts? Would there not be an over-representation of rural interests to the prejudice of urban? Mr. M. A. Gopalaswami Iyengar had supported the recommendation on the ground that 8 more seats would thereby be released for direct election. The Assembly contained members who had been returned by the 60 lakhs of people in the State, and under the existing arrangement, those members were returning 8 members to the Legislative Council. As against that, under the new proposal, each district would return one additional member to the Legislative Council. Personally he felt that the existing system was far better than the proposed.

Another advantage under the existing arrangement was that the interests of the minorities were being safeguarded. Under the proposed system, the minorities would be nowhere. For these reasons, he was not in favour of the Committee's recommendation.

With regard to the recommendation that no person should be a member of both the Houses, he said that it was not sound or reasonable. There was no harm in members of the Representative Assembly being members of the Legislative Council and even repeating there the views of the Representative Assembly. By doing so, they would be voicing in the Legislative Council the views of the representatives of 60 lakhs of people. He did not believe that much need be made of Khan Bahadur Mahomed Abbas Khan's suggestion that if the Committee's recommendation was accepted, 8 more persons would get opportunities for service.

Khan Bahadur MAHOMED ABBAS KHAN, interrupting, explained that nearly 22 persons would get chances under the proposed arrangement and not 8, because just as members of the Representative Assembly would be prevented from serving on the Legislative Council, members of the Legislative Council also would be prevented from serving on the Representative Assembly.

Mr. P. SUBBARAMA CHETTY said that even then, the number was not large nor the restriction worth while.

In respect of the procedure relating to legislation in the two Houses, he said that he would have no objection to the adoption of the procedure suggested by the Committee, provided, as assured by the First Member of Council, all legislative measures were placed before the Representative Assembly and its opinion taken before the Select Committee stage.

As regards the restrictions recommended in respect of sending up questions, he agreed that at present some members were sending 50 to 60 questions each and there was much waste of time and labour involved in collecting the materials necessary for answering them. No doubt, some restriction was necessary, but the number fixed, *viz.*, 5 for each individual member, of which not more than 2 could be starred for purposes of putting supplementary questions, was too small. It should be increased.

Referring to the proposed rule that a member would be deemed to have vacated his seat if he left the State with the intention of being absent for more than 6 months, he pointed out that as the interval between the October Session and the next Budget Session of the Assembly would be nearly 8 months, there was no need for the proposed rule, which would act as a hardship to the members. It was possible for a member to go out of the State for more than 6 months during which there was no session of the House at all. Government would not be fair to him to say that he would lose his seat in spite of the fact that there was no sitting whatever during that period.

With regard to the recommendation of the Committee that questions should not relate to matters which were entirely within the competence of a local authority or a private company, he said that the term "local authority" should be clearly defined.

Mr. RAJAGOPALACHARI replied that the term "local authority" had been defined in the General Clauses Regulation as "a municipal committee, district board or other authority legally entitled to or entrusted by the Government with the control and management of municipal or local funds."

Mr. SUBBARAMA CHETTY then said that he was not in favour of the proposed rule. If it was given effect to, local bodies against whom some of the tax-payers might have just cause for complaint, would get complete immunity and even members of the constitutional Houses of the State could not bring such complaints to the notice of the Government. Such immunity would be most unjustifiable and there was therefore no need for a rule like that.

Mr. SYED MOHIYUDDIN HUSSAIN said that, compared with the elections held in the districts, the elections from the Representative Assembly to the Legislative Council were easy and inexpensive. In the case of district elections, 3,000 to 4,000 people from all parts of the district would have to take part at the particular places of election and the candidates also had to spend a lot of money. None of those difficulties were associated with the elections from the Representative Assembly to the Legislative Council. He was almost tempted to believe that if even he had stood as a candidate to the Legislative Council, he might have succeeded. He did not see any reason why election from the Representative Assembly to the Legislative Council alone should be so easy and so much of a routine business, as it were, when all the other elections were difficult jobs. He had in fact sent up a subject in this respect to the district-meeting, but had to withdraw it on account of the fears expressed by others that Government might not view it with favour. But he was exceedingly glad to find that this subject had been dealt with by the Committee. They had done the

right thing, he said, in recommending the discontinuance of the present system of the Representative Assembly returning members to the Legislative Council. There were any number of educated men available in the districts who were eagerly waiting for opportunities of service to the country and they would surely get such opportunities, if this recommendation was given effect to. The speaker was of opinion that such of the members as had opposed the recommendation of the Committee had not advanced convincing reasons. The Dewan, the Members of Council and other officers who listened to representations made in the Representative Assembly would surely remember them and do their best to help the people. There was therefore no need for a handful of representatives of the same Assembly to make those very representations once again in the Legislative Council. The recommendation of the Committee, he said, deserved to be accepted.

Mr. S. K. VENKATARANGA IYENGAR thanked the Government for not having committed themselves to the views of the Committee and also for having given the House an opportunity to express its views on the various recommendations made in the report. He said that from the point of view of democracy, some of the recommendations were of a retrograde nature, while some were all right. Certain members had advocated the retention of the present system of indirect election from the Representative Assembly to the Legislative Council. But he felt that there was nothing wrong in doing away with it. The Assembly was a mixed electorate as it consisted of elected members, nominated members and representatives of special interests, and all of them were taking part in the elections. Instead of that, it would be decidedly better to have a direct election wherein only duly qualified voters exercised the vote. By doing so, Government would be increasing the elected element in the Council. Direct electorates were everywhere becoming more popular. Neither the Indian National Congress nor the scheme for the proposed All-India Federation favoured the indirect election. If democratic institutions should prosper, direct elections were very necessary. For these reasons, he said he was in favour of the recommendation of the Committee that indirect election to the Legislative Council should be done away with so far as the Representative Assembly was concerned.

He did not agree that the interests of the minorities would suffer if this recommendation was accepted. It was an accepted principle that the welfare of the minority communities depended on the goodwill of the majority communities. If they could secure that goodwill, the minority communities would have nothing to fear from the majority communities. There were many instances in which members of the minority communities had been elected by majority communities.

Regarding the disposal of the eight seats to be released from the Representative Assembly, **Mr. VENKATARANGA IYENGAR** said that instead of their being distributed at the rate of one to each district, it would be better if they were made available to the cities.

He was not in favour of imposing any restrictions on the number of questions a member could send up for being answered in the Legislative Council. That, he said, would be a short-sighted policy. Members should have the liberty of sending up questions on any matter they liked, so that officers might always be on the alert and above criticism. This privilege of members should not be curtailed.

Regarding the privilege of sending up short notice questions, he said that members of the Representative Assembly also should have it.

Referring to freedom of speech, he said, he did not agree with the Committee's recommendation to grant it only to the Legislative Council. Freedom of speech, he said, was no concession, but a necessity; it was not merely a privilege, but a power. It was very desirable that both the Houses enjoyed it.

Mr. MUNIVENKATAPPA said that in the case of elections from the districts to the Representative Assembly,

each voter could vote for only one candidate and the elections were proving too costly to the candidates; and so, most people hesitated to stand for election. In the case of elections from the Representative Assembly to the Legislative Council, there was no question of cost whatever, and anyone who contributed most to the party to which he belonged would be made the leader of that party in addition to being elected to the Legislative Council. So the voters even within the Assembly had not much scope for exercising discretion. If therefore the districts were given more seats, the difficulties of the voters as well as the candidates would be considerably reduced.

Srimati SAKAMMA said that it was unfortunate that the Committee had not paid any special attention to women's interests in making their recommendations. Even in the Government of India Act, women had been given special representation. Why the franchise was not extended to women in the State she was at a loss to know. Under the existing arrangement of the Representative Assembly returning members to the Legislative Council, there was one solitary chance for women to get elected to the Legislative Council. By the discontinuance of that system, women would lose even that solitary chance. There was no question at present of women getting elected from district constituencies. In view of that, she prayed that Government should devise some scheme by which women's interests could be represented on the Legislative Council.

Mr. M. S. PUTTARAMA SETTY said that he was surprised that any attempt should have been made to curtail the privileges of the Representative Assembly. Some of those privileges had been conferred on it over 40 or 50 years ago and His Highness the Maharaja had been pleased to state that the powers and privileges of the Representative Assembly would be enhanced and not curtailed. Any attempt, therefore, to curtail the powers of the House would be in contravention of such pronouncements.

Some members had supported the proposal of the Committee to do away with the system of indirect election from the Representative Assembly to the Legislative Council. Their reason for doing so was that it would be any day better to have representatives elected directly by 60 lakhs of people than by a small body of 275 members. But they seemed to forget that even those 275 were members returned by those very 60 lakhs of people. So, the representative character of the members returned by the Representative Assembly would in no way suffer, and for this reason, the existing system should continue.

The member was also not in favour of the suggestion of the Committee that a person should not be a member of more than one body. He said that such a rule would lead to many difficulties. At present there were a number of instances in which one and the same member from a taluk sat on various bodies. It might be that he was the only person capable of doing some good work. If the Committee's recommendation was given effect to, such a thing would not be allowed and the various institutions might suffer for want of able men to work them.

Rao Sahib M. RAMASWAMI said that the recommendation of the Committee *re* discontinuance of the privilege of election of 8 members from the Representative Assembly to the Legislative Council, in no way amounted to a curtailment of the powers of the Representative Assembly. Direct election was a necessity with a view to give political education to the masses. Members returned to the Legislative Council from the Representative Assembly might not always be responsible to the general electorate to the same extent as members directly elected by them would be. Direct election was decidedly better than indirect election, and in his opinion there was no necessity for so much controversy about the recommendation in question

Regarding freedom of speech, he said that by restricting it to the Legislative Council only, the prestige of the Representative Assembly would suffer. The Representative Assembly was a

large body consisting of 275 members from all parts of the State and was known to discuss things with a due sense of responsibility. By giving this privilege to the Representative Assembly also, the Government would be enabling members to discuss matters still better and more boldly. He also agreed that it was more necessary to extend this privilege to the Representative Assembly than to the Legislative Council.

Mr. Nilgiri G. SANJEEVIAH said that what the Committee had done was to blindly copy the practice which was in vogue in the British Indian Provinces without taking into consideration the nature of the constitution here. The constitutional bodies in the State could not be compared with those in British India. The qualifications of candidates for the two Houses in British India were different. That was the reason why membership there was restricted to one House only. But the qualifications of candidates to both the Houses in Mysore were practically the same.

Secondly, in British India, both the Houses met simultaneously. That was never the case so far as the two Houses in Mysore were concerned.

Another argument put forward in favour of restricting membership to one House was that members, if they were in both the Houses, would repeat the same arguments in both the Houses. He asked whether the Government members who were members of both the Houses were not doing the same. And if the non-officials should be prohibited from sitting on both the bodies, he said that the same rule would have to apply to Government members also. In this view, he was not in favour of the recommendation that membership should be restricted to one House only.

Replying for Government, **Mr. S. P. RAJAGOPALACHARI** said that he was glad that the members had secured an opportunity of discussing threadbare the report of the Committee, which was a very important document, and that all shades of opinions had been expressed by the members who had participated in the discussion. But he assured the House that none of the points raised by the members had escaped notice at the hands of the Committee in framing their recommendations.

A statement had been made by one of the speakers that all the members of the Committee were nominated members and, as such, their recommendations could not carry much weight. It was immaterial whether they were elected or nominated members, or members representing special interests, so long as there was no gainsaying the fact that they were all popular, able and experienced men, and men who had discharged their duty truly and well. And with the benefit of the views expressed by such members, the Committee had gone into various aspects of the questions before them and finally made recommendations in the best interests of the people. They had arrived at no hasty conclusions and made no ill-considered recommendations.

It looked to him that those who had opposed the recommendations had done so under the misapprehension that the sole object of the Committee was to lower the prestige of the Representative Assembly and curtail its powers and privileges. He would emphatically say that there was no such intention on the part of the Committee. He was sorry that such a bogey had been set up by some of the members. The Government also had no such intention, and even if the recommendations of the Committee were given effect to, they would certainly not have the effect of curtailing any of the powers of the Representative Assembly. Three examples had been given by the members in respect of the alleged curtailment of powers. One of them was the abolition of the system of returning eight members from the Representative Assembly to the Legislative Council. Personally, he thought that there was nothing wrong in that recommendation. The Committee had considered this matter very carefully and were convinced that instead of the indirect election now in vogue, it would be very much better and make for much truer representation if each of the districts directly returned one additional member. As against that view, some members of the House

had expressed the opinion that the existing practice was better. It must be remembered in this connection that the Representative Assembly was a limited constituency and election through the Representative Assembly was very much easier than direct election from the districts, so that the candidates standing for election from the Representative Assembly to the Legislative Council did not have to undergo all the care and worry usually associated with general elections. This was probably the reason why certain members favoured the continuance of the Representative Assembly as a constituency of the Legislative Council. But the question of election should not be looked at as a matter of personal convenience, but as one affecting the general welfare of the State. Viewed from that standpoint, direct election from the districts was any day better.

It had been argued, in favour of the present system, that members of the Assembly were members returned by all the 60 lakhs of people in the State and, as such, they ought to have the right to return their own representatives to the Legislative Council. There was no doubt that members of the Assembly were representatives of the people. But that was no reason why the primary electorate should be ignored. The representatives of the people must remember that after all they were in the position of agents of the people by whom they were elected. That was the view which had prevailed with the Committee while recommending that instead of the agents returning members, the primary body itself might do so. Surely there could be no harm in a suggestion like that. A reversion from indirect to direct election meant a transfer of power from a secondary body to the primary body. There was nothing wrong in adopting such a course. That was what was done usually, and that was what the Seal Committee did also. That committee had definitely come to the conclusion that the existing practice was not desirable. The committee in their report had stated thus :—

"Thus urban and rural constituencies by primary election, and special interests and minorities, partly by primary election and partly by nomination, will form the staple of the representation, if we except the officials who will come in by nomination as well as the members from the Representative Assembly who will come in by secondary election."

In connection with secondary election, they had stated :—

"The conversion of the Representative Assembly, one of the two constitutional Houses, into a secondary electorate for the other House will be regarded by some as a constitutional anomaly, by others as a historical survival. But anomalies and survivals may have passing values. Others, again, fear that the Representative Assembly may be thus bartering away its 'birthright' as a primary, original and independent source of constitutional power, for a two-anna share of secondary, derivative and dependent influence in another House. The risk may not be wholly imaginary. . . . . With the advancing political consciousness of the people and the extension of the suffrage there will be a more marked separation both in structure and function between the two Houses, and the anomalous fraction, which is even less than the proverbial widow's share, will be not only a vanishing but a vanished fraction"

But they kept the system because they did not want to interfere with it at that stage. However, it was clear that even so far back as 1923, the Seal Committee were of the view that indirect election from the Representative Assembly to the Legislative Council was not desirable. So it could not be said that the Committee had made a novel suggestion. They merely examined the question which had already been considered by the Seal Committee and recommended some modification in the existing practice with a view to rectify certain defects. And even in recommending such modification, they had not considered it as an end in itself. In other words, they had not stopped with the suggestion that eight seats on the Legislative Council which were now open for representatives of the Representative Assembly should be withdrawn. They had gone further and made the wholesome suggestion that the seats so released should be made available to the districts in addition to the seats already meant for them. This explanation, the speaker hoped, would set at rest the misapprehension on the part of certain members that the powers of the Representative Assembly were sought to be curtailed by the Committee. And in the light of these facts, he also hoped that the House

would have no objection to the proposed discontinuance of the present system of holding an indirect election from the Representative Assembly to the Legislative Council.

Adverting to the Committee's proposal to restrict membership to one House only, Mr. RAJAGOPALACHARI said that such a practice obtained in all constitutional bodies in British India and there were some advantages to be derived from that system. One of such advantages was that eight members who were not in the Representative Assembly would get opportunities to serve on the Legislative Council. Popular representation on the Legislative Council would, to that extent, be increased, and the proposal would thus be in the best interests of the State.

Regarding the procedure suggested by the Committee in respect of legislation in the two Houses, Mr. RAJAGOPALACHARI said that compared with the recommendations made by the Seal Committee in this behalf, those of the present Committee were very modest. What was proposed by the Committee was that if the Government decided upon a legislative measure and if no sitting of the Representative Assembly was to be held before a session of the Legislative Council, leave to introduce might first be obtained in the Legislative Council with a view to save time and the measure then taken before the Representative Assembly at the earliest possible opportunity. It was only a time-saving device. On that account, it should not be considered that the powers of the Assembly would be in any way curtailed. The idea of the Committee was that, in cases like the above, the measure should be placed before the Representative Assembly before it reached its select committee stage. If the wording of the amendment as recommended by the Committee was not clear, it would be clarified while passing orders on the report.

Finally, he requested the members to carefully study the report and understand the recommendations and not to be led away by the bogey that all the powers of the Representative Assembly were going to be taken away. He added that the Government for their part had not yet had sufficient time to consider the recommendations of the Committee and were going to do so with due regard to the views and opinions expressed by the House. Meanwhile, the observations, which he was just making, were being made by him only as chairman of the Committee, so that they should not be taken as representing the considered views of the Government.

Mr. T. MARIYAPPA invited the attention of the Member to para 9 of His Highness' Proclamation to the effect that nothing would be done to curtail in any manner the powers and privileges granted to the Representative Assembly or the Legislative Council, and enquired whether this aspect of the question had been placed before the Committee while framing their recommendations.

Mr. RAJAGOPALACHARI said that every kind of literature bearing on the point was placed before the Committee. If any particular recommendation was opposed to the terms of the Proclamation, surely the Government would consider whether such a recommendation should be accepted at all. In the meanwhile, however, he assured the House that the Committee was by no means prompted by a desire to curtail the powers of either the Assembly or the Legislative Council.

Srimati SAKAMMA enquired whether Government would sympathetically consider her request that representation be given to women's interest on the Legislative Council.

Mr. RAJAGOPALACHARI replied that there were no recommendations in that behalf in the Committee's report, but that, all the same, Government would consider the request.

RESOLUTIONS—(*concld.*).

Resolution No. 2.

Tolls on Bullock Carts.

Mr. V. VENKATAPPA moved the following resolution :—

"This Assembly recommends to the Government of His Highness the Maharaja that toll